

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 5/1/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANDREW TORO, on behalf of himself and	:	
all others similarly situated,	:	
	:	
Plaintiff,	:	
-against-	:	23-CV-2268 (VEC)
	:	
	:	<u>ORDER</u>
BLACK SHEEP ENTERPRISE, INC.,	:	
	:	
	:	
Defendant.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on March 16, 2023, Plaintiff sued Black Sheep Enterprise, Inc., alleging that its failure to make its website accessible to visually impaired persons violates the Americans with Disability Act (“ADA”), the New York State Human Rights Law, and the New York City Human Rights Law, *see* Compl., Dkt. 1

WHEREAS on April 24, 2023, Plaintiff was ordered to move for leave to amend the complaint due to failure to allege standing, *see* Dkt. 7;

WHEREAS on April 27, 2023, Plaintiff filed a notice of settlement seeking a stay of all deadlines, Dkt. 9;¹ and

WHEREAS because Plaintiff has not adequately alleged standing, the Court lacks subject-matter jurisdiction over this case and can only dismiss the action without prejudice, *see Bank v. U.S. Dep’t of Health & Human Servs.*, 708 F. App’x 43, 44–45 (2d Cir. 2018) (summary order).

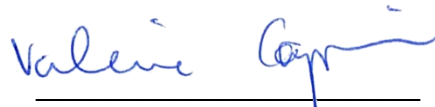
¹ Plaintiff’s counsel also filed a notice of settlement at docket entry 8, but that filing pertains to a purported settlement involving a plaintiff named Jovan Campbell.

IT IS HEREBY ORDERED that Plaintiff must make a motion for leave to amend the complaint that adequately alleges standing not later than **May 5, 2023**, or the action will be dismissed without prejudice for lack of standing.

IT IS FURTHER ORDERED that the filing at docket entry 8 be STRICKEN from the record, as that filing pertains to an entirely different case.

SO ORDERED.

Date: May 1, 2023
New York, New York



VALERIE CAPRONI
United States District Judge